

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : NODA et al.
FOR : OPTICAL ELEMENT FIXING
: STRUCTURE, OPTICAL ELEMENT
: FIXING BODY, OPTICAL ELEMENT,
: AND OPTICAL ELEMENT HOLDER
:
SERIAL NO. : To be assigned
FILED : Herewith
ATTORNEY DOCKET NO. : TOMI 200008

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, 1.98 and MPEP § 609, applicant(s) submit(s) the following Disclosure Statement concerning art of which the applicant(s) is (are) aware. A copy of PTO-1449 is enclosed herewith.

This Information Disclosure Statement shall not be construed to be an admission that any information referred to herein or submitted herewith is "prior art" or is considered to be material to patentability for this invention.

The United States Patent and Trademark Office OG Notice dated 12 October 2004 published a final rule revising 37 C.F.R. 1.98 dealing with the content of Disclosure Statements. Paragraph (a)(2) was revised to read in part, "A legible copy of: (i) Each foreign patent; (ii) Each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office." Therefore, Applicant(s) has (have) not enclosed copies of the cited U.S. patents and published patent applications with this Information Disclosure Statement.

In accordance with 37 C.F.R. §1.97(g) and (h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Under § 1.98(a)(3), a concise explanation of relevance is required for information that is not in the English language. Accordingly, the English language documents have no further explanation.

All of the cited and/or included documents were cited by the Japanese Patent Office in a related application(s). A copy of the International Search Report is enclosed.

Consideration of the appropriate paragraph(s) indicated below is respectfully requested:

WITHIN THREE MONTHS OF FILING: Under § 1.97(b)(1), this Information Disclosure Statement is being filed within three months of the filing date of the application (or date of entry of the national stage). Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

BEFORE FIRST OFFICE ACTION: Under § 1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

BEFORE FINAL ACTION, OR NOTICE OF ALLOWANCE, OR ACTION THAT CLOSES PROSECUTION/WITH STATEMENT: Under § 1.97(c)(1), this information shall be considered if filed before the mailing date of a final action, or a Notice of Allowance or action that otherwise closes prosecution in the application if accompanied by the statement:

Under § 1.97(e)(1), the undersigned states:

A. that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

B. that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

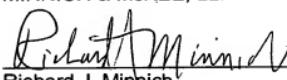
BEFORE FINAL ACTION, OR NOTICE OF ALLOWANCE, OR ACTION THAT CLOSES PROSECUTION/WITH FEE: Under § 1.97(c)(2), this information shall be considered if filed before the mailing date of a final action if accompanied by a fee in the amount of \$180.00 as required by §1.17(p). Accordingly, the necessary fee accompanies this Information Disclosure Statement. Any overpayment or deficiency should be charged to Deposit Account No. 06-0308.

It is respectfully requested that the attached document(s) be considered and officially cited in examination of this application.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

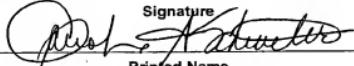
May 19, 2005
Date


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216/861-5582

CERTIFICATE OF MAILING

I certify that this Information Disclosure Statement and accompanying document(s) are being

- deposited with the United States Postal Service as First Class mail under 37 C.F.R. 1.8, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- transmitted to facsimile number _____ under 37 C.F.R. 1.8 on the date indicated below.
deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

| Express Mail Label No.: EV 494996733 US | Date May 19, 2005 | Signature  | Printed Name Caroline A. Schweter |
|--------------------------------------------|----------------------|------------------------------------------------------------------------------------------------|--------------------------------------|
| | | | |

Substitute for Form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT(S)**
(Use as many sheets as necessary)

Sheet 1 of 1

COMPLETE IF PERTAINING TO

10/535578

| | |
|----------------------|----------------|
| Application Number | To be assigned |
| Filing Date | Herewith |
| First Named Inventor | NODA et al. |
| Art Unit | To be assigned |
| Examiner Name | To be assigned |
| Attorney Docket No. | TOMI 200008 |

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. | Document No. Number-Kind Code (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
|--------------------|----------|---------------------------------------------|--------------------------------|----------------------------------------------------|
| /BT/ | AA | US-6,043,863 | 03/28/2000 | Nikon Corp. |
| | AB | US- | | |
| | AC | US- | | |
| | AD | US- | | |
| | AE | US- | | |
| | AF | US- | | |
| | AG | US- | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. | Foreign Patent Document Country Code-Number Kind Code (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | T |
|--------------------|----------|---------------------------------------------------------------------|--------------------------------|----------------------------------------------------|---|
| /BT/ | AH | WO 92/20001 | 11/12/1992 | Eastman Kodak Co. | |
| | AI | JP 09-049899 | 02/18/1997 | Rigaku Denki Kabushiki Kaisha | ✓ |
| | AJ | JP 11-14877 | 05/08/1989 | Shimadzu Corp. | ✓ |
| | AK | JP 64-081613 | 03/27/1989 | Yoko | ✓ |
| | AL | JP 63 006523 | 01/12/1988 | Toshihito et al. | ✓ |
| | AM | JP 58-039069 | 03/07/1983 | Shimadzu Corp. | ✓ |
| /BT/ | AN | JP 56-091204 | 07/24/1981 | Shigefumi | ✓ |
| | AO | | | | |
| | AP | | | | |

OTHER - NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published | T |
|--------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| /BT/ | AQ | International Search Report corresponding to PCT/JP03/16134 | |
| | AR | | |
| | AS | | |
| | AT | | |
| | AU | | |
| | AV | | |

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|--------------------|-----------------|-----------------|------------|
| Examiner Signature | /Brandi Thomas/ | Date Considered | 10/12/2008 |
|--------------------|-----------------|-----------------|------------|